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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,062

Applicant(s)

WANG ET AL.

Examiner

Pierre-Louis Desir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 09/05/2006 have been fully considered but they are not persuasive.

In the arguments, Applicant submits that all of the claims are now allowable over Papadimitriou in view of Hefner.

As related to Papadimitriou, Applicants simply discloses what Papadimitriou teaches by citing numerous section of the reference (see pages 13-15 of the REMARKS/ARGUMENTS) without stating how the language of the claims patentably distinguishes them from the references. Therefore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As related to Hefner, Applicants submits that the phrase "a location request, or a location update 10, request, to the network," is grammatically incorrect, punctually confusing, and includes reference number 10 that is not shown in the drawings or anywhere else in the specification. Therefore, Applicant adds, Hefner does not make it clear what the meaning of this phrase is intended to convey. Applicant also submits that the present amended claims further distinguish over Hefner because Hefner does not teach or suggest the claim as amended.

Examiner respectfully disagrees with Applicant. Applicant is actually arguing "grammatically error" that may be present in a cited reference rather than how the language of the amended claims patentably distinguishes them from the cited reference. It is clear in the disclosure that Hefner describes a method wherein a mobile station transmits a location request,

or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). This writing is present in the specification of Hefner and it is clear to what its meaning pertains. There is nothing vague about the meaning of this disclosure. Also, Papadimitriou was combined with Hefner to reject the claims. Thus, Examiner wants to respectfully remind Applicant that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-9, 11-18, 21-25, 29-32, 34-36, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou et al. (Papadimitriou), U.S. Patent No. 6385458 in view of Hefner et al. (Hefner), Pub. No. US 20040142702.

Regarding claim 1, Papadimitriou discloses a method of providing location services (LCS) (see abstract), comprising: receiving a request for location information for a mobile station (see col. 5, lines 56-67); performing location determination via a first set of at least one network entity to obtain desirable location information for the mobile station (see col. 5, lines 56

-64; col. 6, lines 23-30); and performing location disclosure via a second set of at least one network entity to provide the desirable location information for the mobile station (see col. 6, lines 41-55).

Although Papadimitriou discloses a method wherein a user request location information and determining whether present location information for the mobile station is undesirable or desirable responsive to receiving request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information (e.g., step of determining whether the present location information for the mobile station is desirable or undesirable)) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a method wherein location information is obtained and provided responsive to a request for the location information when the present location information for the mobile station is determined to be undesirable and desirable.

However, Hefner discloses a method wherein a mobile station transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by

Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 5, Papadimitriou discloses a method, wherein the location determination and the location disclosure are performed in two separate LCS sessions (see col. 5, lines 56 -64 col. 6, lines 23-30; col. 6, lines 41-55).

Regarding claim 6, Papadimitriou discloses a method further comprising: caching the location information for the mobile station, and wherein the location disclosure is performed using the cached location information for the mobile station (i.e., Papadimitriou discloses an MSC in both the originating and the destination networks, which include a VLR for maintaining a register of information (location information is stored in the register) for all mobile phone currently served by the respective network. Furthermore, a disclosed LMU, which measures the distance between the mobile phone and the LMU and reports the distance to a base station controller. The network is connected through the MSC to a GMLC. The GMLC interfaces to users of a location service that is seeking the location of a mobile phone, performs user authorization tasks, and forwards positioning request to the mobile phone's current mobile network (see col. 1, lines 49-65, col. 2, lines 11-24).

Regarding claim 7, Papadimitriou discloses a method, wherein the first set of at least one network entity is located in a serving network for the mobile station (see col. 1, lines 66-67, and col. 2, lines 1-5) and the second set of at least one network entity is located in a home network for the mobile station (see col. 1, lines 45-57).

Regarding claim 8, Papadimitriou discloses a method, wherein the location disclosure is

performed by a location client and a location server (i.e., a method is disclosed in which a computer program has a location request module for receiving a location request from a user, a location request processing module that makes a location estimate with an accuracy based on a priority level associated with the user, and a terminal device location estimation reporting module that communicates the location estimate to the user) (see col. 4, lines 63-67, and col. 5, lines 1-2).

Regarding claim 9, Papadimitriou discloses a method, wherein the second set of at least one network entity includes an LCS provider (i.e., GMLC) (see col. 1, lines 60-65), and wherein the location client is located in the mobile station (i.e., as understood from the specification, the location client requests location information; with Papadimitriou discloses that the GMLC interfaces to users of a location service that is seeking the location of a mobile phone, one skilled in the art would unhesitatingly conceptualize that the location client is located in the mobile station) (see col. 1 lines 60-63).

Regarding claim 11, Papadimitriou discloses a method (refer to claim 1 reasoning), wherein the first set of at least one network entity includes a position determining entity (PDE) (i.e., LMU) (see col. 6, lines 28-30)

Regarding claim 12, Papadimitriou discloses a method (refer to claim 11 reasoning), wherein the first set of at least one network entity further includes a serving mobile positioning center (SMPC) (i.e., SMLC) (see col. 5, lines 5-9).

Regarding claim 13, Papadimitriou discloses a method as described in claim 11 reasoning.

Although Papadimitriou discloses a method as described above, Papadimitriou fails to

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specifically disclose a method wherein the first set of at least one network entity further includes a home authentication, authorization, and accounting (H-AAA) entity.

However, Papadimitriou discloses a method wherein at GMLC interfaces to users of a location service that is seeking the location of a mobile phone or other terminal device, performs user authorization tasks, and also forwards positioning requests to the mobile phone's current mobile network.

Therefore, (giving the fact that the GMLC performs user authorization tasks) it would have been obvious to one of ordinary skill at the time of the invention to modify the method so that it could include a home authentication, authorization, and accounting (H-AAA) entity. Such modification would have been considered a mere design consideration, which fails to patentably distinguish from the prior art.

Regarding claim 14, Papadimitriou discloses a method (refer to reasoning of claim 1), wherein the second set of at least one network entity includes an LCS server (i.e., LCS algorithm) (see col. 5, lines 47-48).

Regarding claim 15, Papadimitriou discloses a method as described in claim 11 reasoning.

Although Papadimitriou discloses a method as described above, Papadimitriou fails to specifically disclose a method wherein the second set of at least one network entity further includes a home authentication, authorization, and accounting (H-AAA) entity.

However, Papadimitriou discloses a method wherein at GMLC interfaces to users of a location service that is seeking the location of a mobile phone or other terminal device, performs user authorization tasks, and also forwards positioning requests to the mobile phone's current

mobile network.

Therefore, (giving the fact that the GMLC performs user authorization tasks) it would have been obvious to one of ordinary skill at the time of the invention to modify the method so that it could include a home authentication, authorization, and accounting (H-AAA) entity. Such modification would have been considered a mere design consideration, which fails to patentably distinguish from the prior art.

Regarding claim 16, Papadimitriou discloses a method as described in the reasoning of claim 1, wherein the location information for the mobile station comprises a location estimate for the mobile station (see abstract).

Regarding claim 17, Papadimitriou discloses a method as described in the reasoning of claim 1, wherein the location information for the mobile station comprises an uncertainty for the location estimate for the mobile station (i.e., Papadimitriou discloses the primary task of the SMLC is to decide upon a positioning method to use to estimate the location of a mobile phone. Furthermore, knowing that estimation can be considered as a rough calculation, both uncertainty and accuracy may be comprised in estimation) (see col. 2, lines 5-8).

Regarding claim 18, Papadimitriou discloses an apparatus (also refer to claim 1 rejection) comprising: means for receiving a request for location information for a mobile station (see abstract and col. 5, lines 56-67); means for performing location determination via a first set of at least one network entity to obtain desirable location information for the mobile station (see col. 5, lines 56 -64; col. 6, lines 23-30); and means for performing location disclosure via a second set of at least one network entity to provide the desirable location information for the mobile station (see col. 6, lines 41-55

Although Papadimitriou discloses an apparatus wherein a user request location information, and comprising means for determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information (e.g., determining whether the present location information for the mobile station is desirable or undesirable)) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose an apparatus wherein location information is obtained and provided responsive to a request for the desirable location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a mobile station that transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 21, Papadimitriou discloses an apparatus further comprising: caching the location information for the mobile station, and wherein the location disclosure is performed using the cached location information for the mobile station (i.e., Papadimitriou discloses an MSC (in both the originating and the destination networks) which include a VLR for maintaining a register of information (location information is stored in the register) for all mobile phone currently served by the respective network. Furthermore, a disclosed LMU, which measures the distance between the mobile phone and the LMU and reports the distance to a base station controller. The network is connected through the MSC to a GMLC. The GMLC interfaces to users of a location service that is seeking the location of a mobile phone, performs user authorization tasks, and forwards positioning request to the mobile phone's current mobile network (see col. 1, lines 49-65, col. 2, lines 11-24).

Regarding claim 22, Papadimitriou discloses a wireless mobile station (i.e. terminal device) (see abstract and refer to claim 1 rejection) comprising (i.e., that implements): a processor (an inherently integral part of the mobile station) operative to receive a request for location information for the mobile station (see col. 5, lines 56-67); perform a first function to obtain location information for the mobile station and to perform a second function to provide the desirable location information, wherein the first function interacts with at least one peer first function located in a first set of at least one network entity to obtain the desirable location information, and wherein the second function interacts with at least one peer second function located in a second set of at least one network entity to provide the desirable location information (see col. 5, lines 56 -64; col. 6, lines 23-30; col. 6, lines 41-55; also refer to reasoning of claim 1).

Although Papadimitriou discloses a mobile station wherein a user request location information wherein the processor operative to determine whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information (e.g., determining whether the present location information for the mobile station is desirable or undesirable)) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a mobile station wherein location information is obtained and provided responsive to a request for the desirable location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a mobile station that transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 23, Papadimitriou discloses a program product embodied on a tangible storage medium (see abstract and claim 1 rejection), the program comprising executable instructions to: receive a request for location information for the mobile station (see col. 5, lines 56-67); perform a first function to obtain desirable location information for the mobile station, wherein the first function interacts with at least one peer first function located in a first set of at least one network entity to obtain the location information; and perform a second function to provide the desirable location information, wherein the second function interacts with at least one peer second function located in a second set of at least one network entity to provide the desirable location information (see col. 4, lines 60-67; col. 5, lines 56 -64; col. 6, lines 23-30; col. 6, lines 41-55; also refer to reasoning of claim 1).

Although Papadimitriou discloses a mobile station wherein a user request location information and comprising determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a mobile station wherein location information is obtained and provided responsive to a request for the location information when the location information is undesirable, and when the location information is desirable.

However, Hefner discloses a mobile station that transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs

33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 24, Papadimitriou discloses a method of providing location services (LCS) (see abstract), comprising: receiving a request for location information for the mobile station (see col. 5, lines 56-67); performing location determination via a first LCS session to obtain location information for a mobile station (see col. 5, lines 56 -64; col. 6, lines 23-30); and performing location disclosure via a second LCS session to provide the location information for the mobile station (see col. 6, lines 41-55).

Although Papadimitriou discloses a method wherein a user request location information and comprising determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a method wherein location information is obtained and provided responsive to a request for the location information when the location

information is undesirable, and when the location information is desirable.

However, Hefner discloses a method wherein a mobile station transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 25, Papadimitriou discloses a method (refer to reasoning of claim 24), wherein the first and second LCS sessions are performed at different times (see col. 5, lines 56 - 64; col. 6, lines 23-30; col. 6, lines 41-55).

Regarding claim 29, Papadimitriou discloses an apparatus comprising: means for receiving a request for location information for a mobile station (see col. 5, lines 56-67); means for performing location determination via a first LCS session to obtain desirable location information for the mobile station (see col. 5, lines 56 -64; col. 6, lines 23-30); and means for performing location disclosure via a second LCS session to provide the desirable location information for the mobile station (see col. 6, lines 41-55).

Although Papadimitriou discloses an apparatus wherein a user request location information and comprising determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose an apparatus wherein location information is obtained and provided responsive to a request for the desirable location information when the present location information is undesirable, and when the location information is desirable.

However, Hefner discloses a mobile station, which transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 30, Papadimitriou discloses a method of providing location services

(LCS), comprising: obtaining location information for a mobile station (i.e., a user request the location of a terminal device; the LMUs return the location estimate to the GMLC in a LMU response step. Then in a report location estimate step, the GMLC sends the location estimate) (see col. 5, lines 56-57; col. 6, lines 51-56); providing the desirable location information to a first application (i.e., originating network) (see col. 1, line 26); and providing the desirable location information to a second application (destination network) (see col. 1, lines 34-36).

Although Papadimitriou discloses a method wherein a user request location information and comprising determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a method wherein location information is obtained and provided responsive to a request for the desirable location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a method wherein a mobile station transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e.,

updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 31, Papadimitriou discloses a method as described in claim 30 reasoning. Papadimitriou also discloses a method wherein the location information is obtained by performing location determination once via one location determination session (see col. 5, lines 56 -64; col. 6, lines 23-30).

Although Papadimitriou discloses a method as described above, Papadimitriou fails to specifically disclose a method wherein the location information is provided to the first and second applications by performing location disclosure twice via two location disclosure sessions.

However, Papadimitriou discloses a method for providing location information to a first application, and to a second application (see claim 30 reasoning as referred to this claim).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to logically consider, giving the fact that applicant does not disclose the procedure for performing location disclosure twice via two location disclosure sessions, Papadimitriou disclosure of providing location information to the stated applications is achieved in two sessions. Furthermore, giving the fact that applicant does not disclose the procedure for performing location disclosure twice via two location disclosure sessions; it would have been obvious to one of ordinary skill in the art to modify Papadimitriou to perform according to the

claimed invention. Such modification would have been considered a mere design consideration, which fails to patentably distinguish from the prior art.

Regarding claim 32, Papadimitriou discloses a method refer to claim 30 reasoning) further comprising: caching the location information in mobile station or a network entity (i.e., Papadimitriou discloses an MSC in both the originating and the destination networks which include a VLR for maintaining a register of information (location information is stored in the register) for all mobile phone currently served by the respective network) (see col. 1, lines 49-65).

Regarding claim 34, Papadimitriou discloses a method (refer to claim 30 reasoning) wherein the first application is located in a first network (see col. 1, lines 41-47) and the second application is located in a second network (see col. 2, lines 18-25).

Regarding claim 35, Papadimitriou discloses an apparatus comprising: means for obtaining location information for a mobile station (i.e., a user request the location of a terminal device; the LMUs return the location estimate to the GMLC in a LMU response step. Then in a report location estimate step, the GMLC sends the location estimate) (see col. 5, lines 56-57; col. 6, lines 51-56); means for providing the desirable location information to a first application (i.e., originating network) (see col. 1, line 26); and means for providing the desirable location information to a second application (destination network) (see col. 1, lines 34-36).

Although Papadimitriou discloses an apparatus wherein a user request location information and comprising means for determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be

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that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose an apparatus wherein desirable location information is obtained and provided responsive to a request for the location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a mobile station, which transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 36, Papadimitriou discloses a method of providing location services (LCS), comprising: receiving a request for location information for a mobile station (see col. 5, lines 56-67); performing location determination via at least one network entity in a serving network to obtain desirable location information for a mobile station (see col. 1, lines 66-67, and

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col. 2, lines 1-5; col. 5, lines 56 -64; col. 6, lines 23-30); and performing location disclosure via at least one network entity in a home network to provide the desirable location information for the mobile station (see col. 1, lines 45-57; col. 6, lines 41-55).

Although Papadimitriou discloses a method wherein a user request location information and comprising determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid, i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose a method wherein location information is obtained and provided responsive to a request for the location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a method wherein a mobile station transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to

ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

Regarding claim 42, Papadimitriou discloses a method further comprising: caching the location information in the mobile station, a network entity in the serving network, a network entity in the home network, or a combination thereof (see col. 1, lines 49-65).

Regarding claim 43, Papadimitriou discloses an apparatus comprising: means for receiving a request for location information for a mobile station (see col. 5, lines 56-67); means for performing location determination via at least one network entity in a serving network to obtain desirable location information for the mobile station (see col. 1, lines 66-67, and col. 2, lines 1-5; col. 5, lines 56-64; col. 6, lines 23-30); and means for performing location disclosure via at least one network entity in a home network to provide the desirable location information for the mobile station (see col. 1, lines 45-57; col. 6, lines 41-55).

Although Papadimitriou discloses an apparatus wherein a user request location information and comprising means for determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request (one skilled in the art would immediately envision that the request is a request for location update which would be that previous location information of the mobile station is no longer valid; i.e., undesirable, and there is a need for an updated location information, i.e., desired location information) (see col. 5, lines 56-67), Papadimitriou does not specifically disclose an apparatus wherein location information is obtained and provided responsive to a request for the location information when the present location information is undesirable, and when the present location information is desirable.

However, Hefner discloses a mobile station, which transmits a location request, or a location update request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information (see paragraphs 33 and 42). Thus, it would have been obvious to one skilled in the art that the mobile station requests update location information because the previous location information is undesirable and because there is a need for desired location information (i.e., updated location information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Hefner with the teachings as described by Papadimitriou to arrive at the claimed invention. A motivation for doing so would have been to ensure that the mobile station specific updated location information as related to longitudes and latitude coordinates in response to the location update request (see paragraph 42).

4. Claims 2-4, and 19-20, 26-27, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou and Hefner further in view of Horn et al. (Horn), U.S. Patent No. 6064741.

Regarding claim 2, the combination discloses a method as described above (refer to claim 1 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method further comprising: performing authentication and authorization for location determination based on a first security procedure; and performing authentication and authorization for location disclosure based on a second security procedure.

However, Horn discloses a method for the exchange of cryptographic keys in a network computer unit and in a user computer unit, in which the following security mechanism is realized: agreement on the key between the user and the network with mutual implicit authentication, i.e. the method achieves the effect that, after completion of the procedure, a joint secret session key is available, of which each party knows that only the authentic counterpart can likewise be in possession of the secret session key (i.e., authentication and key agreement) (see col. 3, lines 44-50). Furthermore, a session key is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key and the second interim key. A first response is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a symmetric cryptographic function or a hash function or a one-way function. MD5 algorithm is a known hash function (see col. 5, lines 20-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 3, the combination discloses a method as described in claim 2 reasoning.

Although the combination discloses a method as recited above, the combination does not specifically disclose a method, wherein the first security procedure is based on an MD-5 algorithm and the second security procedure is based on an Authentication and Key Agreement (AKA) procedure.

However, Horn discloses security measures based on both MD-5 algorithm and Authentication and Key Agreement (AKA) (see col. 3, lines 44-50; col. 5, lines 20-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 4, the combination discloses a method as described above (seen claim 1 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method, further comprising: performing a first session key setup to obtain a first session key, wherein the first session key is used for authentication and encryption of messages exchanged with the first set of at least one network entity; and performing a second session key setup to obtain a second session key, wherein the second session key is used for authentication and encryption of messages exchanged with the second set of at least one network entity.

However, Horn discloses a method wherein session key K is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key K1 and the second interim key K2. A first response A is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a function a symmetric cryptographic function or a hash function or a one-way function (see col. 5, lines 20-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 19, the combination discloses an apparatus as described above (refer to claim 18 reasoning).

Although the combination discloses an apparatus as recited above, the combination does not specifically disclose an apparatus further comprising: means for performing authentication and authorization for location determination based on a first security procedure; and means for performing authentication and authorization for location disclosure based on a second security procedure.

However, Horn discloses an apparatus wherein the exchange of cryptographic keys in a network computer unit and in a user computer unit, in which the following security mechanism is realized: agreement on the key between the user and the network with mutual implicit authentication, i.e. the method achieves the effect that, after completion of the procedure, a joint secret session key is available, of which each party knows that only the authentic counterpart can likewise be in possession of the secret session key (i.e., authentication and key agreement) (see col. 3, lines 44-50). Furthermore, a session key is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key and the second interim key. A first response is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a symmetric cryptographic function or a hash function or a one-way function. MD5 algorithm is a known hash function (see col. 5, lines 20-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure

procedure.

Regarding claim 20, the combination discloses an apparatus as described above (seen claim 18 reasoning).

Although the combination discloses an apparatus as recited above, the combination does not specifically disclose an apparatus, further comprising: means for performing a first session key setup to obtain a first session key, wherein the first session key is used for authentication and encryption of messages exchanged with the first set of at least one network entity; and means for performing a second session key setup to obtain a second session key, wherein the second session key is used for authentication and encryption of messages exchanged with the second set of at least one network entity.

However, Horn discloses an apparatus wherein session key K is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key K1 and the second interim key K2. A first response A is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a function a symmetric cryptographic function or a hash function or a one-way function (see col. 5, lines 20-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 26, the combination discloses a method as described above (refer to claim 24 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method further comprising: performing authentication and authorization for location determination based on a first security procedure; and performing authentication and authorization for location disclosure based on a second security procedure.

However, Horn discloses a method for the exchange of cryptographic keys in a network computer unit and in a user computer unit, in which the following security mechanism is realized: agreement on the key between the user and the network with mutual implicit authentication, i.e. the method achieves the effect that, after completion of the procedure, a joint secret session key is available, of which each party knows that only the authentic counterpart can likewise be in possession of the secret session key (i.e., authentication and key agreement) (see col. 3, lines 44-50). Furthermore, a session key is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key and the second interim key. A first response is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a symmetric cryptographic function or a hash function or a one-way function. MD5 algorithm is a known hash function (see col. 5, lines 20-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 27, the combination discloses a method as described above (see claim 24 reasoning).

Although the combination discloses a method as recited above, the combination does not

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specifically disclose a method, further comprising: performing a first session key setup to obtain a first session key for use in the first LCS session; and performing a second session key setup to obtain a second session key for use in the second LCS session.

However, Horn discloses a method wherein session key K is calculated by the bit-by-bit application of the exclusive-OR function to the first interim key K1 and the second interim key K2. A first response A is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a function a symmetric cryptographic function or a hash function or a one-way function (see col. 5, lines 20-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

Regarding claim 37, the combination discloses a method as described above (seen claim 36 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method, further comprising: performing a first session key setup to obtain a first session key, wherein the first session key is used for authentication and encryption of messages exchanged with the at least one network entity in the serving network; and performing a second session key setup to obtain a second session key, wherein the second session key is used for authentication and encryption of messages exchanged with the at least one network entity in the home network.

However, Horn discloses a method wherein by-bit application of the exclusive-OR

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function to the first interim key K1 and the second interim key K2. A first response A is formed by encoding a user constant, which is known both to the user computer and to the network computer unit, with the session key using a function a symmetric cryptographic function or a hash function or a one-way function (see col. 5, lines 20-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to insure the security of the location determination/disclosure procedure.

5. Claims 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou and Hefner further in view of McDonnell et al. (McDonnell), Pub. No. 2002/0004399.

Regarding claim 10, the combination discloses a method as described in claim 8 reasoning (refer to claim 8 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method wherein the second set of at least one network entity includes an LCS server (i.e., LCS algorithm) (see col. 5, lines 47-48). The combination does not specifically disclose a method, wherein the location server is located in the mobile station or the LCS server.

However, McDonnell discloses a method the location-aware service may reside in the mobile entity whose location is of interest, in a network-connected service system, or even in another mobile entity (see page 3, paragraph 28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to assist the system in making the necessary location determinations.

Regarding claim 41, the combination discloses a method as described in claim 36 reasoning (refer to claim 36 reasoning).

Although the combination discloses a method as recited above, The combination does not specifically disclose a method, further comprising: sending a message to the mobile station to trigger the mobile station to initiate a LCS session for performing location determination.

However, McDonnell discloses a method where the location determination may be triggered by the location server in response to the service request from the mobile entity or the mobile entity may, immediately prior to making request, directly trigger BSC to effect a location determination and feed the result to location server (see page 3, paragraph 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to assist the system in making the necessary location determinations.

6. Claims 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou and Hefner further in view of Deloach et al. (Deloach), Pub. No. 2003/0125044.

Regarding claim 28, the combination discloses a method as described in claim 24 reasoning (refer to claim 24 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method, further comprising: providing a first call detail record (CDR) for the first LCS session; and providing a second CDR for the second LCS session.

However, Deloach discloses a method for the determination of the positions of wireless mobile stations in a mobile communication network, in which When there is a physical change in the cellular infrastructure or in the cellular infrastructure configuration, the base station almanac data base server maintains records in the base station almanac data base reflecting both the old and new conditions until all of the PDEs are switched over to the new conditions (see page 2, paragraph 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described, which are analogous art because they are from the same field of endeavor, to arrive at the claimed invention. A motivation to do so would have been to ensure accuracy and completeness of the record.

Regarding claim 33, the combination discloses a method as described in claim 30 reasoning (refer to claim 30 reasoning).

Although the combination discloses a method as recited above, the combination does not specifically disclose a method, further comprising: providing a first call detail record (CDR) for providing the location information to the first application; and providing a second CDR for providing the location information to the second application.

However, Deloach discloses a method for the determination of the positions of wireless mobile stations in a mobile communication network, in which When there is a physical change in the cellular infrastructure or in the cellular infrastructure configuration, the base station almanac data base server maintains records in the base station almanac data base reflecting both the old and new conditions until all of the PDEs are switched over to the new conditions (see page 2, paragraph 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described, which are analogous art because they are from the same field of endeavor, to arrive at the claimed invention. A motivation to do so would have been to ensure accuracy and completeness of the record.

7. Claims 38-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou and Hefner further in view of Haverinen et al. (Haverinen), Pub. No. 2003/0119481.

Regarding claim 38, the combination discloses a method as described in claim 36 reasoning (refer to claim 36 reasoning), wherein the at least one network entity in the serving network includes a serving mobile positioning center (SMPC) (i.e., SMLC) (see col. 5, lines 5-9).

Although the combination discloses a method as described above, The combination does not specifically disclose a method further comprising: determining an Internet Protocol (IP) address of the SMPC.

However, Haverinen discloses a method wherein after the MS has selected a PLMN, it can transmit a request to the local network BAN for setting up a connection with a network element according to the network element identifier linked with the identifier of the selected PLMN. The local network BAN finds out the IP address of the network element (see page 4, paragraph 43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings, which are analogous, to arrive at the claimed invention. A

motivation to do so would have been to provide a proper arrangement for the request procedure.

Regarding claim 39, the combination discloses a method as described in claim 36 reasoning (refer to claim 36 and 38 reasoning).

Although The combination discloses a method as described above, The combination does not specifically disclose a wherein the IP address of the SMPC is determined using a fully qualified domain name for the SMPC.

However, Haverinen discloses a method wherein The local network BAN finds out the IP address of the network element from the network identifier, which is typically a domain name, (see page 4, paragraph 43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings, which are analogous, to arrive at the claimed invention. A motivation to do so would have been to provide a proper arrangement for the request procedure.

Regarding claim 40, the combination discloses a method (refer to claims 36, and 38 reasoning) wherein the location disclosure is performed via the SMPC (i.e., the GMLC communicates with a Serving Mobile Location Center (SMLC) via Mobile Application Part (MAP) messaging. The SMLC (i.e. SMPC) provides the network resources needed to process calls in the network, and particularly to locate a mobile phone, and is directly associated with the MSC communicating with a mobile station that is being located) (see col. 1, line 66-67; col. 2, lines 1-5).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir
11/05/2006



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